



RE: Ohio NPDES Transfer

Elder, Kevin to: Aaron Farmer, Julianne Socha

11/06/2012 11:06 AM

Cc: James Morgan, "Kelly McCloud", "Kristina E. Tonn", Michael Berman, "Rodgers, Michael"

From: "Elder, Kevin" <Elder@agri.ohio.gov>
To: Aaron Farmer <aaron.farmer@ohioattorneygeneral.gov>, Julianne Socha/R5/USEPA/US@EPA,
Cc: James Morgan/DC/USEPA/US@EPA, "Kelly McCloud" <kelly.mccloud@ohioattorneygeneral.gov>, "Kristina E. Tonn" <Kristina.Tonn@ohioattorneygeneral.gov>, Michael Berman/R5/USEPA/US@EPA, "Rodgers,
History: This message has been forwarded.

Good afternoon everyone,

Just for an FYI. The first day our legislature is back is tentatively scheduled for November 14th.

Thanks!

Kevin H. Elder, Chief

ODA-Division of Livestock Environmental Permitting

8995 East Main Street

Reynoldsburg, Ohio 43068

Phone: 614/387-0469

Cell: 614/582-7880

Fax: 614/728-6335

Web: <http://www.agri.ohio.gov/divs/DLEP/dlep.aspx>

From: Aaron Farmer [mailto:aaron.farmer@ohioattorneygeneral.gov]

Sent: Tuesday, November 06, 2012 9:06 AM

To: 'Socha.Julianne@epamail.epa.gov'

Cc: Elder, Kevin; 'Morgan.James@epamail.epa.gov'; Kelly McCloud;

Kristina E. Tonn; 'Berman.Michael@epamail.epa.gov'; Rodgers, Michael

Subject: RE: Ohio NPDES Transfer

All,

Please find attached R.C. 903.30 and 903.99 language that has been approved by Ohio's Legislative Service Commission. We'll discuss at 11:00 am.

Very Truly Yours,

Aaron S. Farmer

Assistant Attorney General - Environmental Enforcement Section

Office of Ohio Attorney General Mike DeWine

Office number: (614) 728-3083



Fax number: (614) 644-1926

Aaron.Farmer@OhioAttorneyGeneral.gov

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From: Aaron Farmer

Sent: Tuesday, October 30, 2012 9:40 AM

To: 'Socha.Julianne@epamail.epa.gov'

Cc: 'Elder@agri.ohio.gov'; Morgan.James@epamail.epa.gov; Kelly McCloud; Kristina E. Tonn; Berman.Michael@epamail.epa.gov; 'MRodgers@agri.ohio.gov'

Subject: RE: Ohio NPDES Transfer

Thank you. We appreciate it!

Aaron S. Farmer

Assistant Attorney General - Environmental Enforcement Section

Office of Ohio Attorney General Mike DeWine

Office number: (614) 728-3083

Fax number: (614) 644-1926

Aaron.Farmer@OhioAttorneyGeneral.gov

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From: Socha.Julianne@epamail.epa.gov [mailto:Socha.Julianne@epamail.epa.gov]

Sent: Tuesday, October 30, 2012 8:58 AM

To: Aaron Farmer

Cc: 'Elder@agri.ohio.gov'; Morgan.James@epamail.epa.gov; Kelly McCloud; Kristina E. Tonn; Berman.Michael@epamail.epa.gov; 'MRodgers@agri.ohio.gov'

Subject: RE: Ohio NPDES Transfer

I'll send out a meeting request today ... I've been out of the office the past several days thus the reason for a delay in sending the meeting request.

☹ Aaron Farmer ---10/29/2012 11:56:45 AM---Julianne, Should we mark our calendars for Tuesday Nov 6th or do you need additional time to discuss

From: Aaron Farmer <aaron.farmer@ohioattorneygeneral.gov>

To: Julianne Socha/R5/USEPA/US@EPA,

Cc: "'Elder@agri.ohio.gov'" <Elder@agri.ohio.gov>, James Morgan/DC/USEPA/US@EPA, Kelly McCloud <kelly.mccloud@ohioattorneygeneral.gov>, "Kristina E. Tonn" <Kristina.Tonn@ohioattorneygeneral.gov>, Michael Berman/R5/USEPA/US@EPA, "'MRodgers@agri.ohio.gov'" <MRodgers@agri.ohio.gov>

Date: 10/29/2012 11:56 AM

Subject: RE: Ohio NPDES Transfer

Julianne,

Should we mark our calendars for Tuesday Nov 6th or do you need additional time to discuss with Michael upon his return? Sorry to bother you, but I am planning ahead for next week and would like to pin this one down if possible.

Thank you.

Very Truly Yours,

Aaron S. Farmer
Assistant Attorney General - Environmental Enforcement Section
Office of Ohio Attorney General Mike DeWine
Office number: (614) 728-3083
Fax number: (614) 644-1926
Aaron.Farmer@OhioAttorneyGeneral.gov

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From: Aaron Farmer

Sent: Thursday, October 25, 2012 2:07 PM

To: 'Socha.Julianne@epamail.epa.gov'

Cc: 'Elder@agri.ohio.gov'; 'Morgan.James@epamail.epa.gov'; Kelly McCloud; Kristina E. Tonn; 'Berman.Michael@epamail.epa.gov'; 'MRodgers@agri.ohio.gov'

Subject: RE: Ohio NPDES Transfer

Julianne,

We are available on both days, but Nov. 6 is preferred.

Thank you.

Aaron S. Farmer
Assistant Attorney General - Environmental Enforcement Section
Office of Ohio Attorney General Mike DeWine
Office number: (614) 728-3083
Fax number: (614) 644-1926
Aaron.Farmer@OhioAttorneyGeneral.gov

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From: Aaron Farmer

Sent: Wednesday, October 24, 2012 5:40 PM

To: 'Socha.Julianne@epamail.epa.gov'

Cc: Elder@agri.ohio.gov; Morgan.James@epamail.epa.gov; Kelly McCloud; Kristina E. Tonn; Berman.Michael@epamail.epa.gov; MRodgers@agri.ohio.gov

Subject: RE: Ohio NPDES Transfer

Julie,

Thank you. We are checking our schedules and we'll let you know as soon as we have everyone on board.

Thank you.

Very Truly Yours,

Aaron S. Farmer
Assistant Attorney General - Environmental Enforcement Section
Office of Ohio Attorney General Mike DeWine
Office number: (614) 728-3083
Fax number: (614) 644-1926
Aaron.Farmer@OhioAttorneyGeneral.gov

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From: Socha.Julianne@epamail.epa.gov [mailto:Socha.Julianne@epamail.epa.gov]

Sent: Tuesday, October 23, 2012 6:14 PM

To: Aaron Farmer

Cc: Elder@agri.ohio.gov; Morgan.James@epamail.epa.gov; Kelly McCloud; Kristina E. Tonn;

Berman.Michael@epamail.epa.gov; MRodgers@agri.ohio.gov

Subject: Re: Ohio NPDES Transfer

Hello everyone,

Mike Berman is out of the office until November 5. If possible, I'd like to wait until he returns for a call.

Let me know if any of these times will work for a call (all times are eastern):

Tuesday, November 6, anytime between 10:30 am - noon or 2 - 4 pm

Thursday, November 8, anytime between 10:00 am - noon or 2 - 4 pm

thanks,
julianne

Julianne Socha
NPDES Programs Branch
Water Division, US EPA, Region 5
312-886-4436
socha.julianne@epa.gov

▼ Aaron Farmer ---10/22/2012 02:00:41 PM---J.T., Michael, and Julie, Since our last discussion, we have made significant progress toward the Oh

From: Aaron Farmer <aaron.farmer@ohioattorneygeneral.gov>

To: James Morgan/DC/USEPA/US@EPA, Julianne Socha/R5/USEPA/US@EPA, Michael

Berman/R5/USEPA/US@EPA,

Cc: "Elder@agri.ohio.gov" <Elder@agri.ohio.gov>, Kelly McCloud <

kelly.mccloud@ohioattorneygeneral.gov>, "Kristina E. Tonn" <Kristina.Tonn@ohioattorneygeneral.gov>, "

MRodgers@agri.ohio.gov" <MRodgers@agri.ohio.gov>
Date: 10/22/2012 02:00 PM
Subject: Ohio NPDES Transfer

J.T., Michael, and Julie,

Since our last discussion, we have made significant progress toward the Ohio NPDES transfer and we would like to discuss. As in the past, would you like to set up a conference call for a date/time in the near future?

Please let us know.

Very Truly Yours,

Aaron S. Farmer
Assistant Attorney General - Environmental Enforcement Section
Office of Ohio Attorney General Mike DeWine
Office number: (614) 728-3083
Fax number: (614) 644-1926
Aaron.Farmer@OhioAttorneyGeneral.gov

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This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

Sec. 903.30. (A) No person shall violate or fail to perform 374
any duty required by sections 903.01 to 903.08 and 903.12 of the 375
Revised Code, violate a rule, or violate an order or term or 376
condition of a permit issued by the director of agriculture under 377
those sections or rules. 378

(B) The attorney general, upon the written request of the 379
director, shall prosecute any person who violates division (A) of 380
this section. 381

Sec. 903.99. (A) Whoever negligently violates division (A)(2) 382
of section 903.30 903.02 or division (A)(2) of section 903.03 of 383
the Revised Code is guilty of a misdemeanor of the third degree on 384
a first offense, a misdemeanor of the second degree on a second 385
offense, and a misdemeanor of the first degree on a third or 386
subsequent offense. Each ten day period that the offense continues 387
shall be fined not more than ten thousand dollars or imprisoned 388
for not more than ninety days, or both. Each day of violation 389

constitutes a separate offense. For purposes of this division, 390
notwithstanding division (D) of section 2901.22 of the Revised 391
Code, a person acts negligently when, because of a lapse from due 392
care, the person fails to perceive or avoid a risk that the 393
person's conduct may cause a certain result or may be of a certain 394
nature. A person is negligent with respect to circumstances when, 395
because of a lapse from due care, the person fails to perceive or 396
avoid a risk that such circumstances may exist. 397

(B) ~~Whoever recklessly violates the terms and conditions of a~~ 399
~~permit to install issued under section 903.02 of the Revised Code~~ 400
~~or of a permit to operate issued under section 903.03 of the~~ 401
~~Revised Code, division (B)(1), (C)(1), or (M)(1) or (2) of section~~ 402
~~903.08 of the Revised Code, or the NPDES provisions of a permit to~~ 403
~~operate shall be fined not more than twenty five thousand dollars.~~ 404
(A) of section 903.30 of the Revised Code shall be fined not more 405
than ten thousand dollars or imprisoned for not more than one 406
year, or both. Each day of violation constitutes a separate 407
offense. 408

(C) ~~Whoever knowingly violates division (K)(A) of section~~ 409
~~903.08~~ 903.30 of the Revised Code is guilty of a felony and shall 410
be fined not more than twenty five at least ten thousand dollars, 411
but not more than twenty-five thousand dollars, or imprisoned for 412
not more than three years, or both. Each day of violation 413
constitutes a separate offense. 414